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**REPORT ON THE  
 FILING OR DETERMINATION OF AN  
 ACTION REGARDING A PATENT OR  
 TRADEMARK**

In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been

filed in the U.S. District Court Northern District of California on the following ☒ Patents or ☐ Trademarks:

|                                      |                                |   |
|--------------------------------------|--------------------------------|---|
| DOCKET NO.<br><b>CV 08-02919 PVT</b> | DATE FILED<br><b>6/12/2008</b> | U.S. DISTRICT COURT<br><b>280 South First, Str, Rm 2112, San Jose, CA 95112</b> |
| PLAINTIFF<br><b>AEROSCOUT, INC.</b>  |                                | DEFENDANT<br><b>SAVI TECHNOLOGY, INC.</b>                                       |
| PATENT OR<br>TRADEMARK NO.           | DATE OF PATENT<br>OR TRADEMARK | HOLDER OF PATENT OR TRADEMARK   |
| 1 <b>6,542,114</b>                   |                                | SEE ATTACHED DOCUMENT   |
| 2 <b>6,720,888</b>                   |                                |   |
| 3 <b>6,765,484</b>                   |                                |   |
| 4 <b>6,940,392</b>                   |                                |   |
| 5                                    |                                |   |

In the above—entitled case, the following patent(s) have been included:

|                            |   |                               |  |  |
|----------------------------|---|-------------------------------|--|--|
| DATE INCLUDED              | INCLUDED BY<br><input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading |                               |  |  |
| PATENT OR<br>TRADEMARK NO. | DATE OF PATENT<br>OR TRADEMARK  | HOLDER OF PATENT OR TRADEMARK |  |  |
| 1                          |   |                               |  |  |
| 2                          |   |                               |  |  |
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In the above—entitled case, the following decision has been rendered or judgement issued:

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|--------------------|
| DECISION/JUDGEMENT |
|--------------------|

|                                 |                                       |                           |
|---------------------------------|---------------------------------------|---------------------------|
| CLERK<br><br>Richard W. Wicking | (BY) DEPUTY CLERK<br><br>Betty Walton | DATE<br><br>June 12, 2008 |
|---------------------------------|---------------------------------------|---------------------------|

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ORIGINAL FILED

JUN 14 2008

Richard W. Wieking  
 Clerk, U.S. District Court  
 Northern District of California  
 San Jose

E-FILING

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

AEROScout, INC.,

Plaintiff,

vs.

SAVI TECHNOLOGY, INC.,

Defendant.

Case No. C08. 02919

COMPLAINT FOR  
DECLARATORY JUDGMENTJURY TRIAL DEMANDED

PVT

Plaintiff AeroScout, Inc. ("AeroScout"), for its Complaint for Declaratory Judgment against defendant Savi Technology, Inc. ("Savi" or "Defendant"), alleges as follows:

## NATURE OF ACTION

1. This action arises under the laws of the United States and, in particular, Title 35 of the United States Code. Defendant has asserted rights under U.S. Patent Nos. 6,542,114 ("the '114 patent'"), 6,720,888 ("the '888 patent'"), 6,765,484 ("the '484 patent'") and 6,940,392 ("the '392 patent'") (collectively the "patents-in-suit") based on certain of AeroScout's ongoing activities. AeroScout contends that it has the right to engage in such activities without the need for a license from Defendant. AeroScout thus seeks a declaration that it does not infringe the patents-in-suit and/or that the patents-in-suit are invalid.

1 **THE PARTIES**

2 2. AeroScout is the market leader in "Unified Asset Visibility" ("UAV") solutions.  
3 The company's products accurately locate and monitor assets and people over standard Wi-Fi  
4 networks to improve and automate business processes. AeroScout's global customer base  
5 includes many of the Fortune 500 and the world's leading hospitals. The company is a Delaware  
6 corporation with its headquarters and principal place of business located in Redwood City,  
7 California.

8 3. Savi is a California corporation with its principal place of business located in  
9 Sunnyvale, California.

10 **JURISDICTION AND VENUE**

11 4. This civil action regarding allegations of patent infringement and validity arises  
12 under Title 35 of the United States Code. AeroScout seeks a declaration that it does not infringe  
13 any of the patents-in-suit and/or the patents-in-suit are invalid. The Court has jurisdiction over  
14 the subject matter of this action pursuant to 28 U.S.C. §§1331, 1338, 2201 and 2202.

15 5. An actual controversy exists between AeroScout and Savi through Savi's assertion  
16 of rights under the patents-in-suit based on certain of AeroScout's ongoing activities.

17 6. AeroScout contends that it has the right to make, use, sell or offer to sell its  
18 products in the United States, or import them into the United States, including its UAV solutions  
19 and products, without license from Savi under any of the patents-in-suit.

20 7. Savi is a California corporation and its principal place of business is in this judicial  
21 district, conferring personal jurisdiction over Savi.

22 8. Because Savi's principal place of business is within this District, venue is proper  
23 here under 28 U.S.C. §§1391(b)-(c) and 1400(b).

24 **INTRADISTRICT ASSIGNMENT**

25 9. This is an intellectual property action subject to district-wide assignment under  
26 Local Rule 3-2(c).

27  
28

## FACTUAL BACKGROUND

10. Savi contends on its website (at [www.savi.com](http://www.savi.com)) and in press releases that "it is a proven leader in RFID solutions for the management and security of supply chain assets, shipments and consignments."

11. The '114 patent is entitled "Method and apparatus for tracking items using dual frequency tags." The face of the '114 patent states that it issued on April 1, 2003 and was assigned by the named inventors to Savi. A true and correct copy of the '114 patent is attached as Exhibit A. Savi claims ownership of all right, title and interest in and to the '114 patent and contends that the patent is valid.

12. The '888 patent is entitled "Method and apparatus for tracking mobile devices using tags." The face of the '114 patent states that it issued on April 13, 2004 and was assigned by the named inventors to Savi. A true and correct copy of the '888 patent is attached as Exhibit B. Savi claims ownership of all right, title and interest in and to the '888 patent and contends that the patent is valid.

13. The '484 patent is entitled "Method and apparatus for supplying commands to a tag." The face of the '484 patent states that it issued on July 20, 2004 and was assigned by the named inventors to Savi. A true and correct copy of the '484 patent is attached as Exhibit C. Savi claims ownership of all right, title and interest in and to the '484 patent and contends that the patent is valid.

14. The '392 patent is entitled "Method and apparatus for varying signals transmitted by a tag." The face of the '392 patent states that it issued on September 6, 2005 and was assigned by the named inventors to Savi. A true and correct copy of the '392 patent is attached as Exhibit D. Savi claims ownership of all right, title and interest in and to the '392 patent and contends that the patent is valid.

15. Savi contends that AeroScout products that are made, used, sold or offered for sale in the United States, or that are imported into the United States, infringe the claims of the patents-in-suit. AeroScout denies Savi's contentions. AeroScout contends that any relevant claims of the patents-in-suit are invalid and/or that AeroScout products do not directly or indirectly infringe

1 any claim of the patents-in-suit (to the extent any such claims are valid). An actual controversy  
2 thus exists as to whether AeroScout's manufacture, use, sale or offers to sale or importation of its  
3 products—including, without limitation, AeroScout's Wi-Fi based Active RFID tags and related  
4 systems—infringes any valid and enforceable claim of the patents-in-suit. Absent a declaration  
5 of noninfringement and/or invalidity, Savi will continue to wrongfully assert the patents-in-suit  
6 against AeroScout, causing AeroScout irreparable harm.

7 **FIRST CLAIM FOR RELIEF**

8 **(Declaratory Judgment of Noninfringement of the '114 Patent)**

9 16. AeroScout incorporates by reference its allegations contained in paragraphs 1  
10 through 15 as though fully set forth here.

11 17. As set forth above, an actual controversy exists as to whether AeroScout's accused  
12 products infringe any valid and enforceable claims of the '114 patent.

13 18. AeroScout seeks and is entitled to a judgment that it has not infringed and is not  
14 infringing, whether directly or indirectly, any claim of the '114 patent.

15 **SECOND CLAIM FOR RELIEF**

16 **(Declaratory Judgment of Invalidity of the '114 Patent)**

17 19. AeroScout incorporates by reference its allegations contained in paragraphs 1  
18 through 15 as though fully set forth here.

19 20. As set forth above, an actual controversy exists as to whether any claims of the  
20 '114 patent are valid.

21 21. AeroScout seeks and is entitled to a judgment that the claims of the '114 patent are  
22 invalid.

23 **THIRD CLAIM FOR RELIEF**

24 **(Declaratory Judgment of Noninfringement of the '888 Patent)**

25 22. AeroScout incorporates by reference its allegations contained in paragraphs 1  
26 through 15 as though fully set forth here.

27 23. As set forth above, an actual controversy exists as to whether AeroScout's accused  
28 products infringe any valid and enforceable claims of the '888 patent.

1           24.       AeroScout seeks and is entitled to a judgment that it has not infringed and is not  
2     infringing, whether directly or indirectly, any claim of the '888 patent.

3                               **FOURTH CLAIM FOR RELIEF**

4                               **(Declaratory Judgment of Invalidity of the '888 Patent)**

5           25.       AeroScout incorporates by reference it allegations contained in paragraphs 1  
6     through 15 as though fully set forth here.

7           26.       As set forth above, an actual controversy exists as to whether any claims of the  
8     '888 patent are valid.

9           27.       AeroScout seeks and is entitled to a judgment that the claims of the '888 patent are  
10    invalid.

11                              **FIFTH CLAIM FOR RELIEF**

12                              **(Declaratory Judgment of Noninfringement of the '484 Patent)**

13          28.       AeroScout incorporates by reference it allegations contained in paragraphs 1  
14    through 15 as though fully set forth here.

15          29.       As set forth above, an actual controversy exists as to whether AeroScout's accused  
16    products infringe any valid and enforceable claims of the '484 patent.

17          30.       AeroScout seeks and is entitled to a judgment that it has not infringed and is not  
18    infringing, whether directly or indirectly, any claim of the '484 patent.

19                              **SIXTH CLAIM FOR RELIEF**

20                              **(Declaratory Judgment of Invalidity of the '484 Patent)**

21          31.       AeroScout incorporates by reference it allegations contained in paragraphs 1  
22    through 15 as though fully set forth here.

23          32.       As set forth above, an actual controversy exists as to whether any claims of the  
24    '484 patent are valid.

25          33.       AeroScout seeks and is entitled to a judgment that the claims of the '484 patent are  
26    invalid.

1 **SEVENTH CLAIM FOR RELIEF**

2 **(Declaratory Judgment of Noninfringement of the '392 Patent)**

3 34. AeroScout incorporates by reference its allegations contained in paragraphs 1  
4 through 15 as though fully set forth here.

5 35. As set forth above, an actual controversy exists as to whether AeroScout's accused  
6 products infringe any valid and enforceable claims of the '392 patent.

7 36. AeroScout seeks and is entitled to a judgment that it has not infringed and is not  
8 infringing, whether directly or indirectly, any claim of the '392 patent.

9 **EIGHT CLAIM FOR RELIEF**

10 **(Declaratory Judgment of Invalidity of the '114 Patent)**

11 37. AeroScout incorporates by reference its allegations contained in paragraphs 1  
12 through 15 as though fully set forth here.

13 38. As set forth above, an actual controversy exists as to whether any claims of the  
14 '392 patent are valid.

15 39. AeroScout seeks and is entitled to a judgment that the claims of the '392 patent are  
16 invalid.

17 **PRAYER FOR RELIEF**

18 WHEREFORE, AeroScout prays for a declaratory judgment against Savi as follows:

- 19 (i) Judgment against Savi that AeroScout does not infringe the '114 patent;  
20 (ii) Judgment against Savi that any relevant claims of the '114 patent are invalid;  
21 (iii) Judgment against Savi that AeroScout does not infringe the '888 patent;  
22 (iv) Judgment against Savi that any relevant claims of the '888 patent are invalid;  
23 (v) Judgment against Savi that AeroScout does not infringe the '484 patent;  
24 (vi) Judgment against Savi that any relevant claims of the '484 patent are invalid;  
25 (vii) Judgment against Savi that AeroScout does not infringe the '392 patent;  
26 (viii) Judgment against Savi that any relevant claims of the '392 patent are invalid;  
27 (ix) A declaration that AeroScout's case against Savi is exceptional within the meaning  
28 of 35 U.S.C. §285;

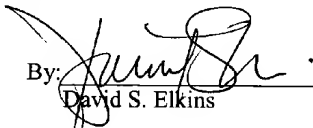
- 1 (x) An award of AcroScout's and attorneys' fees incurred in this action; and  
2 (xi) Such other and further relief as the Court deems reasonable and just.  
3

4 **DEMAND FOR JURY TRIAL**

5 Plaintiff respectfully demands a trial by jury of all issues so triable.  
6

7 Dated: June 12, 2008

SQUIRE, SANDERS & DEMPSEY L.L.P.

8  
9 By:   
David S. Elkins

10 Attorneys for Plaintiff AEROScout, INC.  
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